

ATTORNEY DOCKET NO: 71297

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : RIZZO
Serial No : 10/780,954
Confirm. No : 2345
Filed : February 18, 2004
For : MICRONAIL AND...
Art Unit : 3738
Examiner : William H. Matthews
Dated : August 10, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT UNDER 35 USC § 121

Applicant hereby elects claims 1 and 18 - 26 drawn to a dental methods.

Applicant respectfully traverses the requirement as the method involves using a micronail having a head as claimed, the product claims including using retention structure. As such, it is believed that the process is not for use with a materially different product but instead requires particulars of the product as claimed in the product claims. With regard to the further requirement for an election of species, Applicant requests reconsideration in view of it not being clear how the various elements of the combination represent different species. It is Applicant's position that the various elements represent different aspects of the combination and not alternative species. For example, the retention structure or retention element can include both the head as a pressed stud, the ringer cap and a perforating portion.

In order to be responsive, Applicant hereby elects the Species B-ringer cap with claims

1, 18, 19, 20, 22, 23, 25 and 26 being readable thereon. Nevertheless, Applicant respectfully requests consideration of all method claims and additionally requests examination of all claims in view of the close relationship between the method and product. Further, as a single search can be performed to consider all aspects of the invention and in view of the close relationship between the method and the product, consideration of all claims is believed to be proper.

Favorable action on the merits is requested.

Respectfully submitted
for Applicant,



By: _____
John James McGlew
Registration No. 31,903
McGЛЕW AND TUTTLE, P.C.

JJM:tf
71297-5

DATED: August 10, 2006
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.